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Under §57 of the Electric Discount and Competition Act of 1999 ("EDECA"), N.J.S.A. 48:3-49, et seq., the New Jersey Board of Public Utilities must adopt appropriate standards to assure the continued provision of "high quality, safe and reliable service" to electric utility customers in the restructured electric utility environment. Recognizing that trees and other vegetation are factors in causing service interruptions, part of an overall approach to providing safe and reliable electric service is to maintain trees and other vegetation so as to prevent contact with electric facilities.

Until recently, each of the State's electric utilities has implemented its own vegetation management program, without being required to adhere to State-imposed standards. These proposed rules have been drafted to ensure that New Jersey's electric utilities meet uniform standards in the performance of vegetation management in and around their facilities.

SUBCHAPTER 8. Vegetation management (tree trimming) standards

14:5-8.1 Purpose and Scope

This subchapter sets forth requirements that must be met by utilities in the management of vegetation in proximity to energized facilities, such as power lines, in order to ensure public safety and the efficient and reliable supply of electric power.

14:5-8.2 Definitions

"ANSI Z133.1" means the document entitled 1994 Pruning, Trimming, Repairing, Maintaining, and Removing Trees, and Cutting Brush - Safety Requirements, published

by the American National Standards Institute, obtainable at www.ansi.org, and amendments and supplements thereto.

"ANSI A300 " means Part 1 of the document entitled Tree, Shrub, and other Woody Plant Maintenance-Standard Practices, published by the American National Standards Institute, obtainable at www.ansi.org, and amendments and supplements thereto.

"Arboriculture" means the cultivation of trees, shrubs and other woody plants.

"Contractor" means a person with which a utility contracts to perform work and/or to furnish information and/or material, and shall include all subcontractors engaged by a contractor to perform any of the obligations required by a contract.

"Electric utility arboriculture" means the proper care of trees and other woody plants in order to provide safe, reliable electric service.

"Energized facility" means an electric circuit or piece of equipment through which electricity is flowing.

"OSHA" means the United States Occupational Safety and Health Administration.

"Vegetation management" means removing trees and/or other vegetation, or preventing vegetative growth, for the purpose of maintaining safe conditions around energized facilities and maintaining reliable electric service. Vegetation management options include biological, chemical, cultural, manual and mechanical methods of controlling vegetation in order to prevent hazards caused by the encroachment of vegetation on facilities, and to provide utility access to the facilities.

14:5-8.3 General provisions

(a) Each electric public utility, as defined at N.J.A.C. 14:4-1.2, that owns, in whole or in part, any facilities that are subject to this subchapter, shall comply with this subchapter. If an electric public utility company is not the sole owner of a facility subject to this subchapter, the utility company shall nonetheless be responsible for ensuring that the requirements of this subchapter are met.

(b) Prior to starting vegetation management activities on energized facilities, an electric public utility and/or its contractors shall obtain all required permits and licenses.

(c) An electric public utility that violates this subchapter shall be subject to fines of up to \$100 per day per violation, starting upon the date of the violation.

14:5-8.4 Maintenance cycle

(a) An electric public utility shall inspect the vegetation in proximity to all energized

facilities at least once every four years, to determine if vegetation management is needed.

(b) If potential problems are found during the inspections required under (a) above, the electric public utility shall ensure that maintenance is performed as required under 14:5-8.5.

14:5-8.5 Technical standards for vegetation management

(a) An electric public utility shall perform vegetation management in compliance with the standards and documents listed in (d) below, as well as with any applicable safety regulations, guidance, laws, or rules.

(b) Each electric public utility shall employ a vegetation manager (VM). The VM shall be a utility employee, not a contractor, who is responsible for all aspects of the utility's vegetation management program, and for ensuring compliance with this subchapter.

(c) Pruning of all trees for the purpose of line clearance shall be made by employing the latest industry standards and acceptable practices.

(d) In performing vegetation management, each electric public utility shall ensure compliance with all of the following:

1. Pruning Trees Near Electric Utility Lines, by Dr. Alex L. Shigo;
2. ANSI A300, as defined at N.J.A.C. 14:5-8.2;
3. Tree Pruning Guidelines, published by the International Society of Arboriculture;
4. Environmental Stewardship Strategy for Electric Utility Rights-of-Way, published by the Edison Electric Institute Vegetation Management Task Force; and
5. Pruning Standards for Shade Trees, published by the New Jersey Board of Tree Experts.
6. Regulations governing Electric Power Generation, Transmission, and Distribution, promulgated by the United States Occupational Safety and Health Administration at 29 CFR Part 1910.269;
7. ANSI Z133.1, as defined at N.J.A.C. 14:5-8.2; and
8. All applicable requirements of the "New Jersey High Voltage Proximity Act", N.J.S.A. 34:6-47.1 et seq., and implementing rules at N.J.A.C. 12:186.

(e) If the requirements set forth at (d) above are amended or modified, each electric public utility shall provide copies of the utilities' standards/guidelines to the Board no later than 30 days after the effective date of the amendment or modification;

(f) The electric public utility shall ensure that all contractors inform their employees of all applicable Federal, State, County, and Municipal rules and regulations that apply to the contractors' work, and shall ensure that the contractor complies with each applicable requirement.

14:5-8.6 Training

(a) Each electric public utility shall provide training and on-the-job experience to ensure that all personnel that perform vegetation maintenance, whether employees or contractors, are trained in proper electric utility arboriculture and safety practices, are knowledgeable regarding techniques in line clearance, and has demonstrated the ability to perform the safety requirements and special techniques involved. This qualified person may or may not be currently employed by a line clearance contractor.

(b) Each utility shall keep records of all personnel that perform vegetation management, and the dates and types of training that each has received.

14:5-8.7 Public notice of planned tree trimming

(a) The utility shall make a reasonable attempt to notify all affected tree and/or property owners affected by vegetation management, prior to performing vegetation management activities that will affect their property. This requirement shall be satisfied if the utility provides written notice to affected tree and/or property owners at least seven days prior to performing any planned vegetation management activities. Notice may be in any form reasonably calculated to provide actual notice, including but not limited to printed door-hangers, mailings, and/or e-mail notice.

(b) An electric public utility shall maintain a record of the dates, content, and recipients of all notices provided under (a) above.

(c) An electric public utility shall notify municipalities and public authorities that may be affected by vegetation management activities. Such notice shall be in writing, at least 14 days in advance of the vegetation management activities. Such notice shall include the planned dates and locations of the vegetation management activities.

(d) Notice regarding planned vegetation management work shall be appropriate to each electric public utility's policies and procedures, and easement rights; and shall conform to the requirements of each municipality in which the vegetation management activities will be performed.

14:5-8.8 Outreach programs

(a) Public Awareness - Each electric public utility shall at least once a year inform its customers, as well as the municipalities and public agencies in its service territory, of the utility's vegetation management program, by bill insert, bill imprint, separate direct mailings or public meetings.

(b) Each electric public utility company shall conduct a public education program to inform all persons in its service territory of the importance of and reasons for vegetation

management, and of the utility's role and responsibilities in managing vegetation near electric lines. The public education program shall be posted on the utility's website.

14:5-8.9 Reporting

Each utility shall include in the annual report required under N.J.A.C. 14:5-7.8 information regarding its vegetation management practices during the preceding year. This information shall include, at a minimum, each municipality in which vegetation management was performed during the preceding year, and all circuits affected.